



General Assembly

Distr.: General
25 February 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Written statement^{*} submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11293



* 1 4 1 1 2 9 3 *

Please recycle A recycling symbol consisting of three chasing arrows forming a triangle.



The denial of the right to free thought for those with no religion

International legal protections for freedom of thought and expression

The right to freedom of thought, conscience, religion or belief for every human being is protected by Article 18 of the Universal Declaration of Human Rights (UDHR). That right is also protected by Article 18 of the International Covenant on Civil and Political Rights (ICCPR). Articles 17 and 18.2 of the ICCPR ensure that no individual should be compelled to reveal her thoughts or adherence to a religion or belief¹.

The right to freedom of thought is the precursor and progenitor of other fundamental freedoms, such as freedom of religion or speech. It is a complete and unlimited right, and a right that should be protected unconditionally². When thought is criminalised, no other freedom can long survive.

As the Human Rights Committee pointed out in its general comment No. 22 (1993), and the Special Rapporteur on freedom of religion or belief more recently,³ freedom of religion or belief applies to a broad variety of beliefs, not just those of predefined "classical" religions⁴.

Freedom of expression, which includes the right to criticise religion, is protected by Article 19 of the Universal Declaration of Human Rights. The Rabat Plan of Action recognises that blasphemy laws are often discriminatory in that they afford different levels of protection to different religions. It recommends that all blasphemy laws should be repealed since "such laws have a stifling impact on the enjoyment of freedom of religion or belief, and healthy dialogue and debate about religion"⁵.

Despite the right to freedom of thought being enshrined in the ICCPR, the overwhelming majority of countries fail to respect the rights of non-believers to think freely or express their beliefs. Around the world, there are laws denying atheists the right to life, executing them for leaving a religion, criminalizing their criticism of religion, prohibiting them from holding public office, preventing them from working for the state, obstructing their access to public education, or revoking their right to citizenship and right to marry.

Whilst this written statement concentrates on the denial of freedom of thought to non-believers only, it nonetheless relates to billions of people⁶. Despite this, non-believers are often forgotten as a group that systematically suffers discrimination and persecution; a group all-too-often dismissed as falling outside of our moral framework.

Forms of persecution and discrimination of non-believers

Perhaps one of the most fundamental and direct forms of persecuting non-believers is through denying citizens the right to leave a state-recognised religion. For example, every citizen of the Maldives is required to be a Muslim and the penalty for leaving Islam is death. It is not just the Maldives; currently, 19 countries punish apostasy and in 12 of those the penalty can be death. These are: Afghanistan, Iran, Malaysia, Maldives, Mauritania, Nigeria, Qatar, Saudi Arabia, Somalia, Sudan, United Arab Emirates, and Yemen.

¹ <http://www.unhchr.ch/tbs/doc.nsf/0/9a30112c27d1167cc12563ed004d8f15>

² <http://www.unhchr.ch/tbs/doc.nsf/0/9a30112c27d1167cc12563ed004d8f15?Opendocument>

³ A/HRC/25/58, Report of the Special Rapporteur on freedom of religion or belief.

⁴ General comment No. 22, §2.

⁵ Ibid., §25.

⁶ A detailed survey in 2012 revealed that those who identify as "atheist" make up 13% of the population, and an additional 23% identify as "not religious". See: <http://www.wingia.com/web/files/news/14/file/14.pdf>

More common than penalising atheists simply being an atheist is the criminalisation of expressing atheist beliefs. There are 55 countries with blasphemy laws, or other laws forbidding criticism or "insult" to religion. Some countries treat blasphemy as evidence of apostasy. In 39 of those countries with blasphemy laws, the law mandates a prison sentence for blasphemers, and in three – Pakistan, Saudi Arabia, and Iran – people can be executed for being blasphemers. In another three states militant Islamists acting as religious authorities are dealing out Sharia punishment including death for "offences" against religion: namely Al-Shabaab in Somalia, Boko Haram and other Islamists in Nigeria, and the Taliban in Afghanistan.

There are many other forms of discrimination that severely affect those who reject religion. These include banning atheists from holding public office (such as in the Maldives) or governments requiring citizens to identify their religion, for example on state ID cards or passports (as is the case in Indonesia, Jordan and Viet Nam). It is illegal or unrecognized to identify as an atheist or as non-religious in Afghanistan, Eritrea, Indonesia, Jordan, Maldives, Saudi Arabia and Somalia. In some states such as Mauritania, Indonesia, and the United Arab Emirates, citizenship is tied to having a particular religious identity. In Mauritania, people who leave Islam lose their citizenship.

Religious privilege to the exclusion of others

Discrimination against the non-religious is often caused by the desire to help one or more religion. Religious privilege is one of the most common forms of discrimination against atheists. Freedom of religion or belief requires equal and just treatment of all people irrespective of their beliefs. When states start defining citizens not by their humanity but narrowly by their membership of a religious group, prioritising conformity to preconceived beliefs, then discrimination and sectarianism automatically follow. For example, in Lebanon the entire system of government is based on sectarian quotas, with different rights and roles available to different religious groups. This practice not only codifies and encourages religious discrimination but it also discourages people from leaving the religion of their birth, because they will lose all the state privileges that come with belonging to that religion.

Religious privilege is also seen in many countries' public services and public education. The most common and substantial of these privileges is religious control of state-funded schools, which works to exclude the non-religious. In Northern Ireland in the United Kingdom 94% of state funded schools are religious in character. School curricula can be exclusionary too: in Saudi Arabia there is a ban on teaching secular philosophy; in Yemen, public schools provide instruction in Islam and not in any other religion. This not only excludes the non-religious, but maintains a public ignorance about the beliefs and ethics of the non-religious.

Family Law is another arena where discrimination is common and where often there is religious control, with those of no religion accorded unequal rights. For example, many Muslim countries give control of family law to the Sharia courts operating Islamic rather than civil law. In Syria, for issues of family law the government requires citizens to be affiliated nominally with Christianity, Judaism, or Islam. In Israel, the government does not allow civil marriages; thus secular marriages must take place abroad in order to be recognised.

Conclusion and recommendations

In summary, due to the criminalisation of apostasy and blasphemy, one can be put to death for expressing atheism in 13 countries. There is pervasive persecution and discrimination of people with no religion across the world, with the worst countries being those who fail to uphold human rights generally.

Freedom of thought and belief must not be compromised. When regimes violently attack people for their ideas and beliefs, all human rights suffer. Freedom of belief requires equal and just treatment of all people irrespective of their beliefs. When states start to define citizens not by their humanity but by their membership of a religious group, discrimination automatically follows.

In his excellent report⁷, the Special Rapporteur on freedom of religion or belief highlighted the importance of implementing the Rabat Plan of Action. Correspondingly, we hope the Council will promote this important Plan of Action at every opportunity.

The language used in UN reports and resolutions is extremely important, both in its descriptive and prescriptive capacity. In his last report, the Special Rapporteur on freedom of religion or belief talked repeatedly of "religious hatred"⁸. As detailed in this brief statement, hatred against non-religious people is present globally also. We would therefore urge the Council to recognise this fact by incorporating language that explicitly acknowledges the persecution of non-believers in any discussion or resolutions regarding religious hatred.

Likewise, we also ask that when drafting and passing resolutions on the right to freedom of religion or belief the Council ensures that the non-religious are one of the groups explicitly mentioned as having freedom to believe, and that, in light of the evidence, when any mention of the persecution of religious minorities is made, the resolution mentions the persecution of non-religious people also.

We urge UN human rights experts not to forget non-believers when investigating human rights abuses and discrimination against minorities. All too often, those with no religion get forgotten because they cannot be so easily identified as a group with common characteristics. Yet they all share their humanity and their entitlement to believe freely, they just do not happen to subscribe to an organised religion - this is no reason at all to forget them.

⁷ A/HRC/25/58, Report of the Special Rapporteur on freedom of religion or belief.

⁸ Ibid.



General Assembly

Distr.: General
25 February 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11295



★ 1 4 1 1 2 9 5 ★

Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



India: Absence of police reforms threatens national security

1. Of all what transcribed, aired live by the Indian visual media, the 2008 terrorist attack on Mumbai was also the revealing moment of how India's security apparatus was thoroughly unprepared to deal with an emergency, like a coordinated attack upon the country's financial hub and the people who call the city home. By the time the Government of Maharashtra, along with the union government and its security forces counteracted, lives were lost, of innocent civilians as well as that of the uniformed forces; business establishments were destroyed taking along with it public confidence that shattered to an all-time low, realising that the country's administration is incapable of securing safety to its people.
2. Public confidence is the foundation stone based on which security agencies in a democratic society operate to safeguard the property and life of its citizens. The public perception of the security apparatus, most importantly about the local police in India is very poor, that the ordinary Indian considers the local police as criminals in uniform. This opinion is based on 64 years of interaction of the police with the people. To the people of India, their police is an institution that they would not want, if possible, not to relate with. Officers in uniform depict the picture of a rouge state institution, payed from the exchequer that extracts bribes from the beggar on the street to the business tycoon in the air-conditioned office.
3. Crime investigation, even as of today, begins and ends with confession statements extracted through brute forms of torture. Police officers of all ranks demand and accept bribe, and officers are state agents that the ordinary Indian would not trust to share information. Indian police is notorious for torturing and threatening informants, that today fearing that an informant would be unsafe at the hands of the police, people do not approach the police with complaints or other sensitive information. Police stations, in appearance and function represent medieval dungeons, where safety is the first casualty.
4. Only a negligible number of police officers in India know to undertake crime investigation using scientific methods and for these officers, there are hardly any tools to undertake such investigations. Arresting a suspect and torturing the person in some of the most heinous means to extract confession and information is what criminal investigation is. So much so, policy makers, police officers and the general public believes that the moment a crime is reported if the suspect is not arrested immediately, there is no progress to investigation. Unlike in other advanced jurisdictions where arrest of a suspect is made only after a reasonable amount of investigation points to the individual who might have committed the crime under investigation, in India, when a crime is reported the first thing the investigator is expected to achieve is the arrest of the suspect.
5. Enormous delays in prosecution and the requirement of the witness to attend court hearings for decades without end, discourages people to voluntarily commit as witnesses to crimes if they had witnessed the commission of a crime. The police overcome this by arranging stock witnesses, often local criminals, who are cited as witnesses in prosecutions that often fail the test of cross-examination in courts. When the prosecution of a crime is based solely upon the confession statement of an accused and witnesses in cases fabricated by the investigator, the criminal trials ends up in acquittals. This is why, India has one of the lowest conviction rates in the civilised world.
6. Unfortunately instead of addressing the root problem, the inability of the investigator to investigate a crime using modern facilities and technologies, India's criminal justice reforms policies are in the wrong direction of fastening binding nature to witness statements to the police. Government of India has tried repeatedly without success to take away the caveat provided in Section 164 of the Criminal Procedure Code, 1974 that the statement to a police officer investigating a crime by a witness should be proven in a court of law. The government was unsuccessful so far in these attempts due to civil society protest. However, there are no guarantees that yet another attempt to amend the law would be defeated by civil society pressure.
7. Long delays in prosecution, often running into decades, places India in that category of countries that holds a substantially large number of under trial prisoners. Of persons held in custody, convicted or otherwise, the national average is that 64.7% are under trials. In some states like Bihar, Andhra Pradesh and Meghalaya, this percentage of under trials exceed 80% of the total number of persons held in custody in state facilities. It is this situation that prompted the Supreme Court of India to remark, "... the laxity with which we throw citizens into prison reflects our lack of appreciation for the tribulation of incarceration; the callousness with which we leave them there reflects our lack

of deference for humanity."

8. A substantial number of these individuals are poor, many illiterate, and unable to afford for a privately paid legal defence. When their cases come finally for a trial, they might have stayed in under trial detention much more than the maximum number of years they could be convicted for the offense alleged against them. A shortcut the trial courts then adopt is to encourage the suspect to plead guilty, and to set off the under trial detention in lieu of the sentence and release the person from custody. While this one hand renders a gross miscarriage of justice, on the other, artificially increases the national average in conviction rates. This explains why there is a substantial spike in the conviction rate in India from a meagre 4% (1998) to 32% (2013). Analysed from the background facts, that this spike is achieved without having any revolutionary changes brought into the capacity of trial courts in India to clear the backlogs of cases as well as no reforms implemented to improve the capacity of the local police to investigate crimes, it exposes the monstrosity of the problem as well as the manipulation of crime statistics in India by the government, for which the country's judiciary has played a condemnable role.

9. India shares large extent of international land-based boundaries with its immediate neighbours. Countries like Pakistan, Nepal and Bangladesh, due to their weak criminal justice institutions are also breeding and training grounds to criminal syndicates that operates regionally. The Indian Border Security Force (BSF) is a corrupt establishment that follows the least, any form of operational legal mandates.

10. The Asian Legal Resource Centre (ALRC) along with its sister concern, the Asian Human Rights Commission (AHRC) has documented enough number of cases to substantiate that the officers of the BSF are engaged in cross-border smuggling, including human and weapons trafficking. Due to this a substantial portion of the country's border remain porous that allows members of the criminal syndicates to run weapons, humans, drugs and other contrabands across international borders. The situation is grave along the Indo-Bangladesh border, where the ALRC and the AHRC has documented more than 300 cases of crimes committed by the BSF.

11. The response so far by the Government of India to enhance national security is to create a National Security Agency, empowered to supersede local police as well as stationing rapid action teams close to large cities. While these are responses that could address security concerns in the country partially, the essential problem is still left unaddressed, that is to refine the country's local policing to fit to serve a fast advancing democracy.

12. Despite attempts, also by honest police officers to save the institution from political clout, corruption and ineptitude, even by invoking the extraordinary jurisdiction of the Supreme Court of India, Indian police remains the leftover of a colonial construct that attempts to maintain order by generating fear using brute force. This is one of the fundamental reasons why India shy away from having two essential reforms, one at the legislative level to enact a strong anti-torture law, and the other at the administrative level to constitute in every state an independent body, that can accept, investigate and take actions upon complaints against police.

13. The Police Complaints Authority (PCA) constituted at the district and state levels, post the Prakash Singh case, is a far cry of what an independent police complaints' adjudication body should be. These entities are manned by serving police officers and retired lower court judges, who consider appointment to the PCA a post retirement employment opportunity. This is the reason why, so far no critical actions have ever reported to have been taken by the PCAs across the country, against police officers.

14. Henceforth for the foregoing reasons, the Asian Legal Resource Centre (ALRC) requests the Council to:

- a. Urge India to take immediate steps to enact a strong anti-torture legislation;
- b. Recommend that India spend adequate resources to refine its policing system, most importantly providing adequate resources and training for the police to undertake criminal investigations through scientific means than resorting to the current practice of brute torture, and;
- c. Recommend that India undertakes a substantial review of its criminal justice framework that adequate and immediate changes are made to, most importantly its investigative framework, that it meets the requirements of fast advancing democracy.



General Assembly

Distr.: General
25 February 2014

English and French only

Human Rights Council

Twenty-fifth session

Agenda item 3

Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development

Written statement submitted by Ligue internationale contre le racisme et l'antisémitisme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11412



* 1 4 1 1 4 1 2 *

Please recycle A recycling symbol consisting of three chasing arrows forming a triangle.



Ineligibility for the oppressor states of human rights defenders

The LICRA (International League against Racism and anti-Semitism) has been fighting to promote human rights for over eighty years. It knows well the extraordinary capabilities that the human rights activists on the ground must have in order to make things happen, even in a democracy like France, with its arsenal of laws that protect human rights. The LICRA is therefore very concerned by the various attacks coming from certain States against individuals or NGO who co-operate with the United Nations in the field of human rights.

The history of each country is different, as is the level of human rights protection around the world. There is no country, however democratic it may be today, with a spotless past and so no country can permit itself to criticize another.

It is nevertheless the role and the responsibility of the international community to prod those States that do not afford sufficient protections to their own people to strive to achieve the level of other States that do. That is why we propose that any state guilty of acts of intimidation or reprisals against individuals or NGO who co-operate with the United Nations in the field of human rights be declared INELIGIBLE to sit on the Human Rights Council. This would also help make the work of the Human Rights Council more credible by ensuring that its members comply with the required responsibilities of the Human Rights Council, namely: promote and protect human rights.



General Assembly

Distr.: General
25 February 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 4

Human rights situations that require the Council's attention

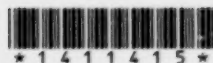
Written statement* submitted by Mouvement contre le racisme et pour l'amitié entre les peuples, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11415



★ 1 4 1 1 4 1 5 ★

Please recycle



Human rights violations in the Kurdish region of the Islamic Republic of Iran

The Islamic Republic of Iran shelters Kurdish salafistes groups

The emergence of Salafism in Iranian Kurdistan is a new phenomenon. When American forces attacked the military bases of Ansar Islam in 2003, in the region of Biara (Awraman) in Iraqi Kurdistan, the insurgent suffered huge human losses and survivors of this group flew to Iran. Ansar members who remained in Iran together with Kurdish salafists in Iran created the group "Kataib Qaid in Kurdistan". Initially, their main goal was to fight the regional government of Iraqi Kurdistan and in early 2004 they declared "jihad" on it¹.

As far as bilateral relations are concerned between Iran and Kurdish Islamists' movements, Iran has always had double standards policies towards the Kurdish Salafists groups in Iranian Kurdistan. Some observers of Islamists groups in Kurdistan (Pishtiwan Sadiq, 2006; Idris Siwayli, 2009; David Romano, 2007) are of the opinion that the Islamic Republic of Iran played a key role in the creation of Islamist Movement in Iraqi Kurdistan.

The Iranian government has always held selective policies towards these groups. Those who were not harmful to the clerical system were tolerated in Iran, even though they were sources of concern for neighbouring countries. The Islamic Republic authorities supported the recruitment of young Kurds who were subsequently sent to Afghanistan and Iraqi Kurdistan. However, when these Salafi groups had activities against the Islamic Republic of Iran, their members were repressed, imprisoned and even executed.

By supporting the activities of these groups in Iranian Kurdistan, the Islamic Republic of Iran clearly planned to weaken the Kurdish nationalist movements in Iran. For them it is much more preferable that the Kurdish youths join Islamists groups rather than Kurdish nationalist movements. Some observers believe that the Iranian authorities are well aware of the existence of these groups on Iranian soil as some training camps are even settled not far from major cities such as the city of Sanandaj in Iranian Kurdistan.

Education in mother tongue

The wake of the promises made by the Iranian government on educating in ethnic and national languages in Iran coincided with the visit of President Hassan Rohani to the city of Ahvaz, the capital of the province of Khuzestan (Arabistan) which has Arabic majority. Opposition to these promises came from conservative Islamists, nationalists Persians, as well as from secularists. These groups were all united against the application of Article 15 of the Iranian Constitution which hasn't been implemented since the 1979 Revolution in Iran. This Article stipulates that while the official language in Iran is Persian, but it also allows the use of regional and ethnical languages in the press, the public media, and education of their literature in schools along with Persian language.

Ali Yonsei, Hassan Rohani's Special Adviser, said in an interview with the semi-official news agency Mehr that the government is preparing a plan that would allow education in minority languages. Minority represent 60% of the population in Iran. It is thus not surprising that the debate about the need to teach in the national languages of non-Persian peoples has taken a considerable importance.

This demand faces tough opposition from different Persian circles, such as the Persian Language Academy, nationalist Persian parties as well as from Islamic conservative circle. All in all, these groups strongly reject teaching in minority languages, some even calling it a "conspiracy" against the Persian language. Among those who are against the use of minority languages in Iran are Dr. Adel Haddad, the head of the Persian language Academy as well as the Education Committee of the Parliament. It is to be said that Article 15 of the Iranian Constitution has become an electoral tool in the past three years, a mean to obtain the vote of national minorities in Iran but it is yet never to be implemented.

¹ www.radiozamaneh.com/120170

Drug laboratories held by Gardien (Pasdaran) in the region of Sardasht in Iranian Kurdistan

Credible sources in the Sardasht region in Iranian Kurdistan reveal that the members of Iran's Islamic Revolutionary Guard Corps (IRGC) are running about 300 drug laboratories in which drugs are produced and distributed. These activities are taking place in the area of Sardasht, Rabat and Nelas, in which they are producing and selling methamphetamine and other drugs.

According to information collected from different sources by Kurdistan Press Agency², "all those people who are working in these places carry weapons distributed by the Revolutionary Guards, and nobody can stop them or file legal charges against them." and "drugs production is on such an high level that the Revolutionary Guard distribute drugs from Sardasht to all Kurdish cities and towns, and even to Iran as a whole". It should be noted that human rights organizations as well as Kurdish political parties in Iran have always drawn attention to the scourge of drug use among the Kurdish population. Those who follow the socio-political situation in Iranian Kurdistan believe that this is an elaborated policy by the Iranian authorities, and this drug policies aim at creating drug addiction among Kurdish youths to turn their attention from Kurdish national project and nationalism sentiments.

Executions

A new case has been filed at the Penal Court against Zanyar Moradi and Loghman Moradi, two Kurdish prisoners sentenced to death on "moharebeh" (enmity with God) charges. Zanyar Moradi's father told the International Campaign for Human Rights in Iran. Eghbal Moradi told the Campaign that due to pressure from human rights organizations to prevent the execution of Zanyar and Loghman Moradi on moharebeh charges, the Iranian Government is now reviewing their case under different charges, so that the two men can be executed based on Qisas (retribution) Law. Loghman and Zanyar Moradi were accused of "involvement in the murder of the Marivan Friday Imam's son" and "moharebeh" in 2009, charges they never accepted, calling the case a scenario fabricated by the Intelligence Ministry. According to Moradi's father, both his sons have repeatedly said that they were forced to confess the murder under torture³.

Five other prisoners have been executed in Uremia Central Prison on charge of murder: Karim Rasai, Javad Ghasem Zadeh, Hamid Islam Soka, Rashid Keramat and Kheyr Ahous. The annual statistics of Human Rights Activists count 585 prisoners executed in Iran during 2013. 52% of these prisoners were executed on charge of drug trafficking⁴.

25 Kurdish political prisoners sentenced to death

The scope of capital sentences in Iran is broad. A dozens of Kurdish political and civil prisoners have been sentenced to death, without proper legal representation, in connection with their alleged membership of and activities for Kurdish prohibited organizations and are (at the time of writing) on death row. According to Kurdistan Press Agency Statistics Center⁵, 25 Kurdish political activists who are being held in the Iranian prisons are waiting for their sentence to be carried out. These 25 prisoners have been sentenced to death by the Iranian judicial system for "Fighting, membership in one of the Kurdish oppositional parties of Iranian Islamic Government, and Propaganda against national security."

The 25 prisoners are: Habibulla LATIFI, Rashid AKHKENDI, Mustefa SALIMI, Zaniar MURADI, Luqman MURADI, Aziz MUHAMEDZADEH, Hassan TALAEE, Behrooz ALKANI, Ali AFSHARI, Habib AFSHARI, Semko KHORSHIDI, Sirwan NAZHAWARI, Ibrahim ESSAPOOR, Bakhtyar MEHMARI, Reza MALAZADEH, Hushang RAZAEE, Saman NASIM, Mansoor ARWAND, Abdullah SARWARYAN, Hussein FRUHIDEH, Sabir MUKHALID MAWANA, Muhemed ABDULLAHY, Anwar ROSTAMI, Arman PARWIZI.

² <http://www.kurdpa.net/english/index.php?cat=more&id=13349>

³ <http://www.iranhumanrights.org/2014/01/moradi-qisas/>

⁴ <http://www.iranpressnews.com/english/source/165970.html>

⁵ <http://www.kurdpa.net/english/index.php?cat=more&id=13349>

Conclusion and recommendations

Regardless of the current Iranian President the repression against the ethnic minorities continues. Hereby, we call on the international community and human rights organizations to urge the Iranian government to abide by its international obligations and to respect the ethnic and national rights of Non-Persian people in Iran.

MRAP calls upon the Iranian authorities to:

- halt arbitrary detentions of ethnic and religious minority representatives and cease torture and forced confessions as guaranteed in the Universal Declaration of Human Rights;
- allow all detainees to access legal advice;
- investigate cases of torture and human rights abuses based on ethnicity or religion and eradicate impunity for such acts;
- end the 'securitization' and persecution of ethnic cultural organizations;
- allow the use of regional languages in print, audio and online media as guaranteed by Article 15 of the Iranian Constitution.

MRAP calls upon the Independent Expert on minority issues, the Special Rapporteur on the right to education, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the **Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to pay specific attention to the issues regarding continued violations of ethnic and national minorities rights in Iran.



General Assembly

Distr.: General
26 February 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 4

Human rights situations that require the Council's attention

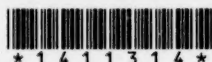
Joint written statement* submitted by Nonviolent Radical Party, Transnational and Transparty, non-governmental organization in general consultative status; France Libertés: Fondation Danielle Mitterrand, Women's Human Rights International Association, non-governmental organizations in special consultative status; Mouvement contre le racisme et pour l'amitié entre les peuples, International Educational Development, Inc., non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11314



* 1 4 1 1 3 1 4 *

Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



The September 1st massacre occurred in Camp Ashraf (Iraq) has to be investigated by an independent body*

Facts

At dawn on September 1, 2013, a group of 101 asylum-seekers, recognized as protected person under the IVth Geneva Convention, were attacked in Camp Ashraf, while the Camp was surrounded by the security forces of the Iraqi Government. 52 asylum-seekers were killed and 7, six of them women, were abducted.

On September 3 UNAMI personnel visited Camp Ashraf. UNAMI declared: *"Inside the camp, the delegation witnessed 52 bodies in a makeshift morgue. All the deceased appeared to have suffered gunshot wounds, the majority of them in the head and the upper body, and several with their hands tied. The delegation also saw several damaged buildings, including one burnt, and was shown quantities of explosives."*

Background

The victims of the massacre were members of the People's Mojahedin Organization of Iran (PMOI), an Iranian opposition movement. Since 2012, about 3'000 residents of Camp Ashraf were forcibly relocated in Camp Hurriya (Camp Liberty), a substandard prison camp close to Baghdad to undergo Asylum processing.

Since the Iraqi authorities recovered the sovereignty over the country, the 3'200 PMOI's unarmed people were subjected to five other attacks: on 28-29 July 2009 in Camp Ashraf (11 killed and hundreds injured), on 8 April 2011 in Camp Ashraf (36 killed and hundreds injured), on 9 February 2013 missile attack against Camp Liberty (8 killed and dozens injured), on 15 June 2013, missile attack against Camp Liberty (2 killed and dozens injured), on 26 December 2013, missile attack against Camp Liberty (4 killed and dozens injured) and 18 patients lost their lives due to lack of proper access to medical treatment.

On 15 April, 2011, commenting on the April 8 massacre Mrs. Pillay, UN High Commissioner for Human Rights, declared: *"These must be a full, independent and transparent inquiry, and any person found responsible for use of excessive force should be prosecuted."*

Human Rights Council's Special procedures positions on September 1st incident

On 9 December 2013, a group of United Nations independent experts expressed serious concern about the lack of information from the Iraqi authorities regarding any investigations into the 1st September attack. They wrote in a joint statement: *"We call upon the Government of Iraq to speed up the investigations in order to disclose the fate and whereabouts of the individuals,"* the United Nations Working Group on Enforced or Involuntary Disappearances said.

"International law clearly requires Governments to ensure that all allegations of killings are investigated in a prompt, effective and impartial manner, irrespective of who the perpetrator is," the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Christ of Heyns, noted. *"Failure to do so is a violation of the International Covenant on Civil and Political Rights."*

The group of experts stressed that *"The impunity with which these crimes have been committed is particularly flagrant given the severity of the offences and the alleged evidence of engagement by Iraqi forces in the commission of these crimes."* In their view, *"the State has an obligation to exercise due diligence to prevent, protect, investigate, prosecute and punish all acts of violence, including those perpetrated against women, and to ensure their rights to be treated with dignity."*

Mads Andenas, who currently heads the expert body said *"The Iraqi Government has a particular responsibility to protect the detainees against human rights violations such as the recent deaths and abductions, and must now instigate*

independent investigations, end the detention regime, and in the meantime provide effective protection to those who remain in detention."

The UN Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, having noted that this is the third time that the residents of Camp Ashraf have been subjected to physical assault, said *"I condemn the lack of proper investigation of the massacres and the impunity of those responsible for them."*

The group of experts urged the Iraqi authorities *"to take all necessary measures to clarify the whereabouts of the missing individuals, guarantee their safety and rights, and prevent their extradition to Iran."*

Call for an Independent investigation

On 24 September 2013, Spokesperson for the UN High Commissioner for Human Rights declared: *"On 3 September, we condemned the attack on Camp Ashraf in which at least 52 camp residents were killed, and called on the Iraqi government to quickly launch a full investigation to establish the facts and disclose the circumstances surrounding this attack. As three weeks have now passed, we reiterate our call on the Government to do its utmost to shed light on exactly what happened and to identify the perpetrators of these killings."*

He added: *"We welcome the fact that the remaining 42 residents of Camp Ashraf have in the meantime been safely transferred to Camp Hurriya, which is located near the Iraqi capital. However we are gravely concerned about allegations that seven former residents of Camp Ashraf, six of whom are reported to be women, were kidnapped during the events of 1 September."*

"We join the UN Refugee Agency (UNHCR) and others in calling on the Government of Iraq to do all it can to ascertain the whereabouts of these seven people, to ensure their safety and prevent their involuntary return to Iran. If they have indeed been kidnapped, all efforts should be made to secure their release unharmed."

EU's High Representative on Foreign Policy and Security Affairs, Catherine Ashton, on September 2, 2013 declared: *"I condemn in the strongest terms the killings that took place at Camp Ashraf yesterday... The circumstances in which this brutal incident took place must be clarified and those found to be responsible must be held fully accountable... I fully support UNAMI's decision, under its humanitarian mandate, to conduct an independent and transparent assessment of this tragic event. I call on all parties and particularly the Government of Iraq to facilitate UNAMI's fact-finding efforts."*

The US State Department spokesperson stated in separate statements on September 1: *"We support UNAMI's efforts to conduct its own assessment of the situation and call on the Government of Iraq to fully support those efforts... we affirm the call by UNAMI for a full and independent investigation into this terrible and tragic event. Those found to be responsible must be held fully accountable."*

On September 11, 2013, thirty five senior former US officials, including five military officers who were responsible for the protection of Camp Ashraf, wrote to Secretary of State John Kerry, stating: *"Asking the Iraqi government, which committed these atrocities, to perform an impartial investigation and make those results public is absolutely ludicrous. But we do not even have that pretense of objectivity. Prime Minister Maliki simply ignores the requests and accepts weak US and UN responses as a green light to commit further atrocities. This history of this Iraqi sponsored genocide and all of the facts we know confirm that additional massacres are imminent."*

Senator Robert Menendez, Chairman of the Foreign Relations Committee of the US Senate, wrote on September 23rd to Iraqi Prime Minister: *"The United Nation assistant Mission for Iraq is conducting an investigation into the attacks. I urge your full cooperation with these efforts and ask you to act decisively to bring the perpetrators of this heinous act to justice as quickly as possible."*

Mr. Struan Stevenson, President of the Delegation for Relations with Iraq in the European Parliament, declared on September 3: *"We urge the EU, the member states and Baroness Ashton to pressure Iraq to release the 7 hostages who were kidnapped on Sunday and to form an international fact finding committee for an independent and thorough investigation without the influence of Iraq and with the presence of lawyers and representatives of the residents and*

victims. *We believe that Europe can play a very important role in this regard.*" This request was supported by 150 other representatives of the European parliament.

Facts on Iraq's role and efforts to wipe trace of crimes

Since taking over control of Camp Ashraf from Coalition Forces in 2009, the Iraqi Government has stationed over 1,200 soldiers and police officers in and directly outside Camp Ashraf. Therefore it has had absolute control over the Camp.

Tahar Boumedra, former Chief of the Human Rights Office at UNAMI, recently testified before the UN: "*Ashraf is [a] highly fortified camp where nobody...[can]... penetrate into the camp without the active preparation and support of the Iraqi Police and Army.*" Boumedra's conclusion is supported by the statements of two former US military officials, Brigadier General (Ret.) David D. Phillips and Colonel (Ret.) Wesley Martin, both of whom have personal experience working in Ashraf.

In its decision of November 21, the Spanish court in a legal proceedings under universal jurisdiction announced: "*Killings, injuries, noise bombardment, denial of food and healthcare – nothing can happen at Ashraf without the knowledge of the Committee members and in particular of Faleh al-Fayad... In security matters throughout the country, including Ashraf, Faleh al-Fayad is the person in charge.*"

The Government of Iraq has stolen most documents and evidence of the crime to wipe traces. Many hours of video footage from Maliki forces in the attack on Ashraf, taken by mobile phones and cameras of those who have been executed with their hands bound behind their backs, exist but have been stolen by Iraqi forces. This evidence is clearly very essential to any impartial investigation.

After more than five months silence, on 11 February 2014 a representative of the Iraqi government confirmed to the representatives of the asylum-seekers that victims of September 1st have been buried. He gave no information about the time and place it took place. The secret burial of the bodies of the victims at an unspecified time and an undisclosed location in the absence of members of their families, as well as the absence and even knowledge of the UN representative who had officially received the bodies in Camp Ashraf on September 2, on the basis that before burial they would undergo autopsy by independent pathologist, is to destroy the evidence and prevent the course of justice.

Iraq's failure to investigate

Five month after the massacre there is no evidence that any investigation has been conducted by the Government of Iraq as no report has been published on the issue. No one has been brought to justice regarding the September 1st massacre or previous attacks all of which have been described by independent jurists as crimes against humanity. Iraq has further failed to respond to inquiries from the UN Human Rights Special procedures.

However, on 26 November, 2013 Reuters quoted Haider al-Akaili, an Iraqi official, claiming "*The main thing that the investigations have revealed so far is that the Iraqi security forces were not involved in that attack and an unknown militant group was behind it.*" No report has been published and the claim has not been substantiated.

Conclusion and Recommendation

Tacking note of the fact that the September 1st was the fifth attack on the Iranian asylum-seekers and that a sixth attack has been conducted on December 26 on Camp Liberty;

Considering the high number of Iraqi security forces deployed around Camp Ashraf and Camp Liberty and the possible implication of those forces into the massacres;

Considering also that there is absolutely no evidence of any investigation by the Government of Iraq into the September 1st massacre or the previous and subsequent attacks on Camp Ashraf and Camp Liberty;

Taking note of the failure of the Iraqi Government to respond to the UN Human Rights Council's Special procedures in order to clarify the circumstances which led to the occurrence of crimes and to identify those responsible and to bring them to justice;

Considering that the Government of Iraq is incompetent to take any independent investigation on the massacres suffered by the Iranian asylum-seekers;

We urge the involved UN Human Rights Council's Special procedures, as independent experts, to initiate an independent investigation into the September 1st massacre and;

We urge the UN Human Rights Council to assign an Independent Commission of Inquiry to conduct an investigation on the massacres suffered by the Iranian asylum-seekers in Camp Ashraf on September 1st, 2013.

*The Association of Humanitarian Lawyers NGO(s) without consultative status, also shares the views expressed in this statement.



General Assembly

Distr.: General
26 February 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 4

Human rights situations that require the Council's attention

Joint written statement* submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status; the Society for Threatened Peoples, a non-governmental organization in special consultative status; Mouvement contre le racisme et pour l'amitié entre les peuples, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11316



★ 1 4 1 1 3 1 6 ★

Please recycle



Human rights violation of Uyghur people in the People's Republic of China (PRC)

Introduction

Professor Ilham Tohti is one of the few ethnic Uyghurs to attain high-stature within Chinese society, ascending to the heights of being professor of economics at the Minzu University of China (Beijing). Professor Tohti has also been instrumental in advocating for Uyghur economic, social and cultural rights via his uighurbiz.net website, through which he also divulged information pertaining to human rights violations against Uyghurs.

Widely considered a moderate voice of Uyghur human rights activism, he has been repeatedly subjected to a series of reprisals from the Chinese authorities for his work. This recently culminated in his arrest on 15 January 2014 along with several of his Uyghur students and other human rights activists, many of whose whereabouts remain unknown, in what appears to be a nation-wide purge of human rights activists in the PRC.

Detention

On 15 January 2014 at approximately 16:00 (UTC), Professor Tohti and his mother were arrested conjointly by approximately 30 police officers from the Xinjiang and Beijing police at Professor Tohti's Beijing-apartment on the unsubstantiated and vague charges of "violating the law and committing a crime."¹ The Xinjiang police only have jurisdiction in Xinjiang, meaning his arrest was illegal in this regard.

According to a tweet by Professor Tohti's wife, Mrs Guzali Nu'er, he was beaten by the police during his apprehension². His house was raided, and his phone, computer and 38 bags of documents were confiscated³. Professor Tohti, his mother and his wife were not informed of the reasons for the former two's arrest. Professor Tohti's mother was later released.

In another tweet by Mrs Nu'er, at least eight of Professor Tohti's students were also summoned for questioning⁴, with the whereabouts of 4 unknown, whilst their computers and dormitories had also been searched. Mr. Mutellip Imin, his partner Mrs Atikem Rozi and a man called 'Shohret' were among those summoned⁵. The information was revealed by Mrs Nu'er via the uighurbiz.net website, which has consistently been offline since, having reportedly had its administrative account deleted and its memory cleared, whilst searches of his name on social media are blocked⁶.

World Uyghur Congress (WUC) ascertained from the ground that the following students were also summoned: Perhat Halmurat, Atikem Rozi, Mutallip Imin, 'Shouret', 'Abduqadir' and 'Abduqeyyum'. Other names and further information were not available. However, all appear to be either students of Professor Tohti, uighurbiz.net website administrators, or both. Mr. Halmurat⁷, Mrs Rozi and her partner, Mr. Imin, have previously been harassed, arrested or subjected to reprisals for their association with Professor Tohti. Mr. Imin in particular was forcibly disappeared for 79 days between July and October 2013. Mrs Rozi and 'Abduqeyyum' were released after 10 hours of questioning. It is not yet known whether they continue to be subjected to reprisals.

Professor Tohti appears reported to fear for his safety in an interview with Radio Free Asia (RFA) a few days before his arrest, noting increased surveillance and that many of his friends had also been detained. Likewise, he had also revealed

1 http://www.washingtonpost.com/world/asia_pacific/chinese-police-take-away-outspoken-uyghur-activist/2014/01/16/8a5a6ac8-7f10-11e3-97d3-b9925ce2c57b_story.html

2 <https://twitter.com/uighurbiz/status/423763687329918976>

3 <http://www.rfa.org/english/news/uyghur/scholar-01162014221805.html>

4 <https://twitter.com/uighurbiz/status/423761397135065089>

5 <https://twitter.com/uighurbiz/status/423765116845178880>

6 <http://www.theguardian.com/world/2014/jan/15/uyghur-scholar-mother-chinese-police-ilham-tohti>

<http://www.uighurbiz.net/site.aspx?aspxerrorpath=/archives/23685&strip=1>

7 <http://www.rfa.org/english/news/uyghur/detention-09302013190447.html?searchterm:utf8:ustring=perhat>

his concerns to prominent Tibetan writer Tsering Woesser, whose continued reporting on Professor Tohti's situation is likely placing her in imminent danger of being arrested⁸.

Charges and Aftermath

Chinese media revealed on 25 January 2014 that Professor Tohti was under investigation for having "formed a separatist group headed by him and undertook separatist activities under the disguise of his identity" in Xinjiang⁹, whilst Chinese media subsequently began an online smear campaign against Professor Tohti.

The details were revealed by the Urumchi Municipal Police on their Sina Weibo, and quickly reported in Chinese state media, accusing him of holding aggressive lectures, taking part in 'instigating ethnic violence' on 5 July 2009 and also alluding to potential links to the WUC, who categorically deny any contact with him, and the East Turkestan Islamic Movement, a terrorist organisation¹⁰. These statements amount to a conviction before a trial and formal charges have not yet been made, in contravention of Chinese law.

During the ten days between his arrest and the revealing of his charges, no information had been provided. His whereabouts still remain unknown, though his wife and lawyer suspect he has been moved to Urumchi. His lawyer Li Fangping has reportedly not been granted access, even after travelling to Urumchi the weekend the charges were made, according to Mrs Nu'er¹¹. In this regard, according to Principle 7 of the UN Basic Principles on the Role of Lawyers, a delay in access to counsel is only allowed in "exceptional circumstances", but in no case should access to legal assistance be delayed more than 48 hours from the time of arrest or detention.

Mrs Nu'er also reports around-the-clock surveillance of their family in Beijing¹². At least one of the students arrested in Beijing, Mr Halmurat, was taken to Urumchi¹³.

Wider Crackdown

Professor Tohti's is the latest detention of ethnic Uyghur webmasters detained following the Urumchi 5 July Incident. Since, various human rights organisations, and Professor Tohti, have recorded dozens of webmasters detained and imprisoned immediately after 5 July 2009. Gulmire Imin, Nijat Azat, Nureli Obul, Dilshat Perhat, Gheyret Niyaz and Memetjan Abdulla are known to continue serving sentences today, some of whom were administrators of the uighurbiz.net website¹⁴.

The arrest also comes after a series of violent incidents targeting Uyghurs in 2013, with over 219 people killed in 25 separate incidents¹⁵. The state censored media coverage of the incidents, though Professor Tohti's website Uyghurbiz provided reporting throughout the intensifying situation.

The arrest occurred during a broader crackdown on dissidents in the PRC. Xu Zhiyong, another outspoken democracy advocate and Beijing-based academic, was sentenced to four years the day after charges were revealed against Professor Tohti, whilst four Mongolian environmental rights activists, including Tsetsegee Munkhbayar, were sentenced to 21 years in prison for "acts of terrorism."¹⁶

8 <http://www.reuters.com/article/2014/01/16/us-china-xinjiang-idUSBREA0F0G120140116>

9 http://news.xinhuanet.com/english/china/2014-01/26/c_133073847.htm

10 <http://www.globaltimes.cn/content/839340.shtml#UvUSZrTvyZu>

11 <http://www.rfa.org/english/news/uyghur/ilham-tohti-01302014165242.html>

12 <http://www.usatoday.com/story/news/world/2014/01/25/china-announces-crimes-detained-scholar/4889609/>

13 <http://www.rfa.org/english/news/uyghur/scholar-01282014210355.html>

14 <http://www.uyghurcongress.org/en/?cat=308>

15 <http://www.opendemocracy.net/henryk-szadziewski/uyghur-rights-and-china>

16 <http://www.businessweek.com/articles/2014-01-29/prominent-mongolian-environmentalist-given-21-year-jail-sentence-for-alleged-terrorism>

This is most poignantly highlighted, in the case of Uyghur rights, by the Dui Hua Foundation's (DHF) recent research in which it was revealed that 75% and 86% of all trials in 2012 and 2011 respectively pertaining to the notoriously vague and broadly-applied Endangering State Security (ESS) crimes are conducted in Xinjiang, which constitutes a mere 2% of the entire population of the PRC¹⁷. The DHF however rejects the annual decrease in the number of ESS trials in Xinjiang as declines in the number of people arrested or indicted for ESS during the year.

A crackdown targeting online work of the type Professor Tohti was engaged has been ongoing since new regulations began last September, being dubbed the "online Cultural Revolution."¹⁸ Seven so-called "speak-nots" have been targeted, namely "universal values, civil society, citizen rights, judicial independence, freedom of the press, past mistakes of the communist party, and the privileged capitalist class." In order to implement this new crackdown, regulations were brought forward whereby someone can be arrested if their online blog or post exceeds more than 500 re-posts.

Evidence from the region suggests these laws are enforced particularly strictly for Uyghur. During 2013, at least 640 people are known to have been arrested in this regard¹⁹, whilst new technology has enabled this crackdown to target minority languages²⁰. The Chinese authorities had also sought to promote UN Security Council Resolution 2129, on combating terrorism, to justify a crackdown on the internet²¹. This is a flagrant abuse of the United Nations itself in order for the Chinese authorities to curtail freedom of expression.

Recommendations

In spite of his moderate views, desire to uphold the territorial integrity of the PRC, foster better ethnic relations and willingness to engage in the official domestic mechanisms to improve Uyghur rights, he has been repeatedly subjected to egregious reprisals against his person. Professor Tohti's purge is inextricably linked to his exposing of human rights violations against Uyghurs and this episode must be viewed in this context.

Silencing an individual with the stature of Professor Tohti can have significant far-reaching consequences on the wider community of the individual affected. As the PRC has been re-elected to the prestigious Human Rights Council (HRC), and has recently undergone its Second Universal Periodic Review, the international community must remind the PRC of its obligations under international human rights law in order for the international human rights system to uphold its global integrity.

The signatories of this statement therefore recommend to the Human Rights Council to urge the government of the People's Republic of China

- to release Ilham Tohti and other human rights defenders held in the PRC;
- to engage in good faith the relevant Special Procedures of the HRC;
- to bring its laws and actions into line with international standards, including, *inter alia*, UN Basic Principles on the Role of Lawyers, the International Covenant on Civil and Political Rights (ICCPR), Universal Declaration on Human Rights, Declaration on Human Rights Defenders;
- to ratify and meaningfully implement the ICCPR and its First Optional Protocol which will provide the right for individuals to freely express their views and discontent with governmental policies.

17 <http://www.duihuahrjournal.org/2013/11/chinas-state-security-arrests-up-19-in.html>

18 <http://www.rfa.org/english/commentaries/baotong/cultural-revolution-09122013103217.html>

19 <http://uhrp.org/press-release/new-internet-measures-indicate-increased-curbs-uyghur-freedom-speech.html>

20 <http://www.scmp.com/news/china/article/1361547/central-government-cyberspies-step-surveillance-ethnic-groups-new>

21 <http://www.globaltimes.cn/content/832916.shtml#.UtaoFvRDte4>



General Assembly

Distr.: General
26 February 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 8

**Follow-up and implementation of the Vienna Declaration
and Programme of Action**

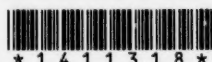
Written statement^{*} submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11318



* 1 4 1 1 3 1 8 *

Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



Global violence against women in the name of “Honour”

The Convention on the Elimination of All Forms of Discrimination against Women¹, now ratified by 187 states, obliges States parties to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women”. Article 1 of the UN Declaration on the Elimination of Violence against Women proclaims “the term ‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women”². The Platform for Action on Women’s Human Rights from the UN’s Fourth World Conference on Women urges states to eliminate violence against women, “which is a human rights violation resulting from harmful traditional or customary practices, cultural prejudices and extremism”³. The International Covenant on Civil and Political Rights asserts that “every human being has the inherent right to life” in addition to “the right to liberty and security of person”⁴.

Despite this, continued extreme violence against women occurs across the globe. Much of this violence is motivated and excused by a misguided notion of “honour”.

Defining “honour-based violence”

Honour-based violence is understood to derive from a desire to control the behaviour of women and girls within a community. Most often with an emphasis on her sexuality, there are many forms of behaviour under scrutiny, including dress, communication with men and sexual relationships. Victims of honour violence are targeted because their behaviour is seen to violate cultural or religious norms; where their assailant feels the only way to prevent such behaviour or restore family honour is to harm or kill the victim.

Ultimately, such an interpretation of honour is grounded in an objectification of the woman, with the honour of a family vested in her body. As the Special Rapporteur on violence against women has pointed out, preserving honour turns on the idea that a woman has to be sexually controlled until marriage; it is a means of controlling her choices, particularly in terms of sexuality and freedom of movement⁵.

Honour violence occurs in patriarchal communities where male status and family status are prioritised⁶. Honour crimes often have a collective dimension, being planned by several family members. They are often public, an aspect “integral to their social functions, which include influencing the conduct of other women”⁷.

Honour-based violence has been reported in Afghanistan, Bangladesh, Brazil, Canada, Ecuador, Egypt, France, Germany, India, Iraq, Iran, Italy, Jordan, Morocco, Pakistan, Sweden, Turkey, Uganda, United Kingdom, and the United States⁸.

“Honour killings”

Whilst there are a number of forms of honour crimes, including bodily mutilation and acid violence, amongst the most severe manifestations is killing in the name of honour. Victims are buried alive, burned, shot, smothered, stabbed,

¹ <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>, Article 2.

² <http://www.un.org/documents/ga/res/48/a48r104.htm>, Article 1.

³ <http://www.un.org/womenwatch/daw/beijing/platform/human.htm>, §232 (g).

⁴ <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, Article 6.1.

⁵ A/HRC/20/16.

⁶ “Culture of Discrimination: A Fact Sheet on “Honor” Killings”, *Amnesty International*, 2012.

⁷ *Ending Violence against Women*, Study of the Secretary General, 2006, p33.

⁸ <http://www.honordiaries.com/wp-content/uploads/2013/12/HonorKillingEuropeHDFactSheetfinal.pdf>; “Thousands of Women Killed for Family ‘Honor’”, Hillary Mayell, February 2002.

http://news.nationalgeographic.com/news/2002/02/0212_020212_honorkilling.html

stoned, and strangled to death⁹. Women have been murdered for a variety of reasons, including: talking to an unrelated man, tweeting or facebooking, refusing an arranged marriage, seeking a divorce, or disobeying her husband or father¹⁰. Women have even been punished for having previously suffered sexual assault or rape¹¹.

The UN has estimated that 5,000 women are murdered by family members each year in "honour killings"¹² but according to women's advocacy groups the figure could be around 20,000. In general, given the difficulty surrounding the reporting of these crimes, official statistics are understood to be grossly underreported¹³.

Honour killings have been identified in Muslim, Hindu and Sikh communities across the world; both India and Pakistan are estimated to have 1,000 honour killings per year¹⁴.

Not only are honour killings numerous, but killings committed in the name of honour are done so with high levels of impunity in many places¹⁵. In a number of countries, honour-related crimes are rarely investigated and the law rarely enforced. When enforced, the sentences can be far less than those for equally violent crimes without the honour dimension¹⁶. For example, in Iran and Jordan the law protects men who murder their wives for adultery¹⁷. Societal attitudes are also deeply problematic; those who commit honour violence believe that their conduct is justified and receive support from their community¹⁸. For example, in Jordan, a third of teenagers believe that honour killings are justifiable¹⁹, and in Iraq, 68% of young Iraqi men believe that killing a girl for dishonouring the family is justifiable²⁰.

There are other forms of violence that are committed against women in the name of honour, which also come about from a preoccupation with women's sexuality and a desire to enforce chastity; for example, the practice of female genital mutilation (FGM) and forced marriage. Both of these practices can do severe physiological and psychological damage to women and girls. Part of what underscores both of these practices is the desire to ensure female virginity as a basis for a family's honour.

Female genital mutilation

The practice of FGM is seen as necessary to preserve a girl's honour and as a desirable proof of virginity and cleanliness. There is also a belief that FGM can reduce a woman's libido, and thus the chances of her having pre- or extra-marital sex²¹. FGM ranges from cutting off a girl's clitoris to cutting off all of her external genitalia. There are 140

⁹ "Impunity for domestic violence, 'honour killings' cannot continue" UN, March 2010, <http://www.un.org/apps/news/story.asp?NewsID=33971&Cr=violence+against+women&Cr1#.UKpKmrkGM4>

¹⁰ Chintamani Rout, "Honour Killing: Descend and Dimensions", *International Journal of Political Science and International Relations*, Volume 2, Issue 1. June 2012, p.18; "Culture of Discrimination: A Fact Sheet on "Honor" Killings", *Amnesty International*, 2012.

¹¹ BBC. Ethics Guide, Honor Crimes, 2012. http://www.bbc.co.uk/ethics/honourcrimes/crimesofhonour_1.shtml

¹² <https://www.unfpa.org/swp/2000/english/notes.html#3-31>.

¹³ A/HRC/20/16.

¹⁴ Honor Based Violence Awareness Network, <http://hbv-awareness.com/faq/>; "1,000 Pakistani women and girls honour killing victims", *Telegraph*, 22nd March, 2012, <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/9160515/1000-Pakistani-women-and-girls-honour-killing-victims.html>.

¹⁵ A/HRC/20/16.

¹⁶ A/65/44, §60 and §63.

¹⁷ "Report: Honor Killing in Iran", *Land Info Country of Origin Information Centre*, May 2009.

http://www.landinfo.no/asset/960/1/960_1.pdf; Sherifa Zahur, "Criminal Law, Sexuality, and Women in the Middle East" in Pinar Ilkkaracan (ed.), *Deconstructing sexuality in the Middle East* (Ashgate Publishing Company. Burlington, USA, 2008), p.23.

¹⁸ "Culture of Discrimination: A Fact Sheet on "Honor" Killings", *Amnesty International*, 2012.

¹⁹ "Belief that honour killings are 'justified' still prevalent among Jordan's next generation, study shows", Cambridge University Press, 20th June 2013.

²⁰ UNFPA/COSIT/KRSO/Ministry of Youth and Sport Iraq, *National Youth Survey 2009*.

²¹ Ashenafi Moges. "What is behind the tradition of FGM?", *African Women Organisation*. See: <http://www.african-women.org/documents/behind-FGM-tradition.pdf>

million girls and women are living with the consequences of FGM, which include infections, complications in pregnancy and childbirth, psychological damage, and sexual dysfunction²².

Forced marriage

When girls are perceived as commodities to be used to preserve honour, they can be forced to marry a man of their family's choice. Over 60 million women (now aged 20 – 24) in the world have been subjected to forced marriage²³ and 142 million girls are predicted to be the victims of child marriage over the next decade²⁴. Child marriage is one of the primary causes of maternal mortality and morbidity, claiming the lives of more than 1,000 women and young girls every day. In countries like Bangladesh, Central African Republic, Chad, Guinea, Mali, and Niger the rate of early and forced marriage is 60% or higher²⁵. This form of honour preservation enslaves women and girls and often violates their rights to health, education, non-discrimination and freedom from physical, psychological and sexual violence.

Conclusion and recommendations

Despite international humanitarian law proscribing gender-based violence, honour violence is committed across the world, often with impunity; and despite the widespread and severe nature of the violence, cases remain underreported.

We ask the Council to encourage those states with no legislation relating to honour violence, to pass laws recognising it as a crime, and to provide for penalties commensurate with the gravity of the acts committed.

Legislative change accompanied by law enforcement is central to helping combat honour crimes throughout the world, but this needs to be complemented by the education and emancipation of women. We call on the Council to encourage the consistent use of rights-based discourse when addressing the killings of women. In her excellent report, the Special Rapporteur on violence against women highlighted honour violence and contributed to the much-needed awareness-raising of the issue. We urge the Council to continue highlighting the causes and consequences of honour violence in order to further encourage societal and cultural transformation.

Overall, more attention needs to be paid to the concept of "honour", how it is perceived and the issues surrounding it (such as the control of women and their sexuality). These surrounding issues need to be investigated and confronted. Honour-based violence represents a form of systematic institutionalized misogyny; the international community has a duty to do far more to combat it.

²² <http://www.who.int/mediacentre/factsheets/fs241/en/>

²³ http://www.unicef.org/media/media_45451.html

²⁴ <http://www.icrw.org/child-marriage-facts-and-figures>

²⁵ <http://www.plan-uk.org/early-and-forced-marriage/>